

REMARKS

Claims 2, 6 through 17, and 19 through 23 are pending in the application. Claims 1, 3 through 5, and 18 have been canceled, and Claims 22 and 23 are new. Claims 11 through 17, and 19 through 21 have been allowed. Claims 1 through 4 were finally rejected, and Claims 5 through 10 were finally objected to. The final rejection of Claims 1 through 4 and the final objection to Claims 5 through 10 are respectfully traversed.

The Amendment after Final Rejection mailed August 12, 2003 was not entered into the application. In the Advisory Action mailed September 12, 2003, the Examiner stated that 'new Claim 22 was vague.' Since the Amendment after Final Rejection containing Claim 22 was not entered, a new Claim 22 has been written. To overcome the objection of Claims 5 through 10, new Claim 23 incorporates canceled Claim 1 and Claim 5, wherein Claim 6 through 10 are dependent thereupon. New Claim 23 contains all the limitations of canceled Claims 1 and 5, and is believed to be allowable over the previous § 102(b) rejection as being anticipated by Edison.

The claims have been amended to remove any indefiniteness. As such, Claim 2 has been amended to be dependent upon new dependent Claim 22. Dependent Claim 6 has been amended to be dependent upon new independent Claim 23. Dependent Claim 7 has been amended to clarify that the notched support is removably attached to the supporting cross member. Dependent Claim 8 has been amended to define the shield as being fabricated from stainless steel, and dependent Claim 9 has been amended to define mammals as a 'plurality of non-human primates'. No new matter has been added to the claims by these amendments. Support for the amendments can be found on pages 2 through 4 of the specification.

Claims 1 and 4 were finally rejected under 35 U.S.C. § 102(b) as being anticipated by Edison. In making the final rejection, the Examiner stated that "Edison discloses in figures 1-3 a restraining apparatus for treating of animals (a safety shield) comprising a rigid planar member 14, the planar member is movable vertically (the chain

68 allows the planar member to be moved vertically), and a supporting cross member 28.”

Responsive to the final rejection under 35 U.S.C. § 102(b), Claims 1, 3 and 4 have been canceled, and Claim 2 has been amended to ultimately dependent upon allowed Claim 11. The cancellation of Claims 1 and 4 and the amendment of Claim 2 are believed to obviate the § 102(b) rejection.

Claims 2 and 3 have been finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Edison in view of Ricketts. In making out the rejection, the Examiner stated that “Edison discloses . . . a restraining apparatus for treating animals (a safety shield) further comprising a handle 64. However, Edison does not disclose the rigid planar member being made of stainless steel. Ricketts teaches in figures 1-2 an animal restraint that can be made of stainless steel (col. 5, lines 6-11). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the shield as disclosed by Edison could be fabricated of stainless steel as taught by Ricketts. The stainless steel would be durable enough to hold and [sic] animal in place, yet it would also resist corrosion.”

Responsive to the final rejection under § 103(a), Claim 3 has been canceled, and Claim 2 has been amended to depend upon new Claim 22 which ultimately depends upon allowed Claim 11. The cancellation of Claim 3 and the amendment to Claim 2 are believed to obviate the rejection.

New Claims 22 and 23 are presented herewith for the Examiner’s review and consideration. New dependent Claim 22 recites a ‘handle is attached to the first side of the rigid planar member’, and new independent Claim 23 incorporates Claim 5 and the limitations of canceled Claim 1. No new matter has been added to the claims by these new claims. Antecedent basis for the new claims and the amendments to Claims 2 can be found on page 5, lines 10 through 11 of the specification. Antecedent basis for new

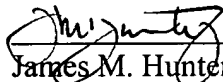
Claim 23 can be found in canceled Claims 1 and 5. The claims, as amended, are believed to overcome the §§ 102(b) and 103(a) rejections bases Edison, and Edison in view of Ricketts, respectively.

CONCLUSION

Entry of the amendments to Claims 2, 6 through 9 and reconsideration thereof, entry of new Claim 22 and 23 and consideration thereof, and reconsideration of Claims 7 through 17, and 19 through 23 are respectfully requested. A one-month extension of time is requested for filing this Request for Continued Examination (RCE), and an RCE filing fee is due. The Examiner is authorized to deduct the extension and filing fees, as well as any additional fee for this case from Deposit Account No. 13-2755.

Should the Examiner have any questions or wish to discuss this Amendment, he is request to contact Applicants' undersigned representative at his earliest convenience.

Respectfully submitted,

  
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